REMARKS

Claims 1-25 are currently pending, with claims 1, 13 and 25 being in independent form. Claims 1, 13 and 25 have been amended. Claims 26 has been added. Support for the amendment to claims 1, 13 and 25 may be found, for example, at pg. 5, lines 22-30 and at pg. 8, lines 4-7 of the originally filed specification. Support for new dependent claim 26 may be found, for example, at pg. 8, lines 4-7. No new matter has been added. Reconsideration of the application, as amended, is respectfully requested.

In the Office Action dated November 21, 2006, independent claims 1, 13 and 25, and dependent claims 2-4, 7-9, 14-16, 19-21 and 25 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,801,521 ("*Shaffer*"), while dependent claims 5, 6, 10-12, 17, 18 and 22-24 were rejected under 35 U.S.C. §103(a) as unpatentable over *Shaffer* in view of U.S. Patent No. 6,584,093 ("*Salama*"). For the following reasons, reconsideration and withdrawal of the rejections are respectfully requested.

Independent method claim 1 has been amended to recite "permitting signaling messages related to the separate media components to be respectively modified and permitting the signaling messages to be separately relayed to each of the separate media components related to each of the respective signaling messages". Support for the amendment to claim 1 may be found for example, at pg. 5, lines 22-30 and at pg. 8, lines 4-7 of the originally filed application. No new matter has been added.

The Office Action (pg. 4) states:

> Shaffer teaches a method comprising:
>
> - monitoring in a routing means of control signaling between the two end-points (column 4 lines 25-32), the control signal being specifically for separate audio (Fig. 2 element 12, 14), video (Fig. 2 element 28,15) and data streams (Fig. 2 element 22,19) forming a multimedia stream transferred between the two end-points each located in network system, the audio, video and data streams each forming a separate media component (column 4 lines 57-67)(column 5 lines 1 -23)(column 3 lines 5-67)(column 4 lines 1-3);
>
> *The reference teaches the gateway include an in-band signal monitoring to monitor the signals which are also routed by the gateway (routing means) between two or more H.323 terminals (transferred between two end points) and also formats the transmitted video, audio data and control streams (forming a multimedia stream) into messages for output to the network*

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interface and each forming separate media component (Fig. 2 elements 12,28,22).

- informing, by the way of the routing means, control means (Fig. 4 element 850) about the separate media components (column 4 lines 44-67)(column 5 lines 1-6);

*The reference teaches H.323 terminals informing the **gateway** (Fig. 4 element 106) which comprises control means (Fig. 4 element 850) of the call signal (separate media components) which is routed through the gateway which can be used for routing (column 4 lines 25-26).*

- recognizing in the routing means the separate media components associated with a call between the two end-points (column 5 lines 1-6, lines 29-45, lines 55-67); and

*The reference teaches **gateway** receiving the signals and recognizing the patterns of the call signals and the audio files (separate media components) associated with the call between H.323 terminals (two end points).*

*- **applying, in the routing means, a connection control issued by the control means to the separate media components (column 5, lines 1-6, 25-45,55-67)(column 6 lines 1-15).***

The reference teaches a connection command (connection control) issued by the gateway which comprises control (control means) to block the signal (separate media components) through the gateway (routing means). (Emphasis Added)

Based on the foregoing, it is clear that a conclusion has been reached that the gateway 106 disclosed in *Shaffer* performs the functions of the routing means defined in the claimed invention. However, Applicant respectfully asserts that the detection of call progress signals from an incoming data stream by the gateway 106 and the generation of corresponding audio files from matching audio fails, as disclosed in *Shaffer*, fails to anticipate the method recited in amended independent claim 1.

Shaffer (col. 3, line 5 thru col. 4, line 3; Fig. 2) teaches a video I/O interface 28 that may be part of a standard H.323 device, an audio I/O interface that may be part of a standard I/O interface and a user application interface 19 that couples to a user device 22, such as data equipment and the like.

Shaffer (col. 4, lines 57-60; Fig. 4) teaches a H.323 gateway 106 that includes a controller 850, a memory 852, and a known PSTN interface 856 and a ToL interface 854. *Shaffer* (col. 4, lines 60-67) teaches that the gateway 106 may additionally include an in-band signaling monitor 107 that may be embodied as software in the controller 850. *Shaffer* (col. 5, lines 1-2) teaches that the gateway 106, i.e., the in-band signaling monitor 107, is configured to initially allow call

progress signals to pass to a H.323 terminal 102. *Shaffer* (col. 5, lines 3-6) states, "when the H.323 terminal **102** recognizes the call progress signal, it issues a command to the gateway **106** to block the signal. The H.323 terminal **102** then locally plays an audio file corresponding to the call progress signal". *Shaffer* thus teaches the blocking of a signal prior to the playback of an audio file to indicate that a call is in progress. However, there is nothing in this section of *Shaffer* with respect to Applicant's claimed applying step that is performed to permit signaling messages related to the separate media components to be respectively modified and to permit the signaling messages to be separately relayed to each of the separate media components related to each of the respective signaling messages, as recited in amended independent claim 1.

Shaffer (col. 5, lines 26-29) teaches that when a user initiates a call from an H.323 terminal within a packet switched network to a party outside the network, the call set-up request is provided to a H.323 gateway. *Shaffer* (col. 5, lines 33-35) further teaches that the gateway receives the call setup information and, in an old and well known manner, dials the called party over a public switched telephone network (PSTN). This section of *Shaffer*, however, fails to teach the applying step recited in amended independent claim 1.

Shaffer (col. 5, lines 35-38) teaches that the H.323 terminal, which initiated the call, begins monitoring for call progress signals, such as busy signals or ringback signals, which are provided from the gateway. *Shaffer* (col. 5, lines 38-43) states, "the H.323 terminal **102** compares the incoming call progress signals to its stored database of signals. More particularly, [a] control processor's pattern recognizer **806** receives the call progress signals and accesses [a] memory 800 for a corresponding match". *Shaffer* (col. 5, lines 43-45) further states, "if the call progress signals are recognized, then ... the H.323 terminal **102** determines whether the received signal is a busy signal". This section of *Shaffer* is thus clearly directed to determining the presence of busy signals. However, *Shaffer* fails to teach the claimed applying step of amended independent method claim 1.

Shaffer (col. 5, lines 46-48) states, "if the signal is a busy signal, then the H.323 terminal sends a known disconnect message to the gateway **106**. *Shaffer* (col. 5, lines 48-50) also teaches that the H.323 terminal 102 (i.e., the control processor) also accesses its audio files from the memory when a client accesses an audio file. *Shaffer* (col. 5, lines 50-54) teaches that the corresponding audio file is then locally played back via the H.323 terminal's audio I/O, the call is finally disconnected by the gateway and playback of the audio file is halted.

Shaffer (col. 5, lines 55-57) states, "if, in step 512, the detected call progress signal was not a busy signal, then in step 514, the H.323 terminal 102 may recognize the tone as a ringback signal. As in the above described cases, *Shaffer* teaches the determination of busy signals and ringback signals. However, *Shaffer* is silent with respect to Applicant's claimed applying step.

Lastly, *Shaffer* (col. 6, lines 1-15) describe the steps associated with monitoring a PSTN for the ringback signal so as to detect any changes. However, this section of *Shaffer* makes no mention whatsoever of Applicant's claimed applying step that permits the separate modification and relaying of signaling messages related to separate media components to each of the separate media components related to each of the respective signaling messages.

In fact, all of the foregoing passages of *Shaffer* are directed to detecting call progress signals from an incoming data stream and with generating corresponding audio signals from matching audio files. Amended independent claim 1, in contrast, recites the step of "applying, in the routing means, a connection control issued by the control means to the separate media components, which permits signaling messages related to the separate media components to be respectively modified and permits the signaling messages to be separately relayed to each of the separate media components related to each of the respective signaling messages". *Shaffer* fails to teach this step pursuant to handling separate media components.

As described at pg. 5, line 26 of the originally filed specification, in the claimed invention signaling messages can be modified and relayed in accordance with the normal routing of an H.245 message. Moreover, the claimed control means is permitted to emulate an endpoint to the other point, as described at page 5, line 28 of the originally filed specification. The claimed method permits the achievement of these advantageous features. *Shaffer* fails to teach a method that would capture such features via the handling of separate media components. In view of the foregoing, amended independent method claim 1 is patentable over *Shaffer* and thus, reconsideration and withdrawal of the rejection under 35 U.S.C. §102 are in order, and a notice to that effect is respectfully requested.

Salama discloses automatic inter-domain routing of calls in a network (see Abstract). *Salama* (col. 22, lines 21-23) teaches that a first terminal requests permission from its gatekeeper to call a second terminal in order to perform conventional call setup. *Salama* (col. 22, lines 24-25) teaches the gatekeeper directs the first terminal to connect to a first proxy. *Salama* (col. 22, lines 26-28) teaches the first proxy then receives the call and queries the gatekeeper on how to

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forward the call. *Salama* (col. 22, lines 28-29) further teaches that the gatekeeper instructs the first proxy to connect to a second proxy. *Salama* (col. 22, lines 29-32) teaches the second proxy receives the call and queries a gatekeeper of the second terminal on how to forward the call. Finally, the second proxy connects to the second terminal. *Salama* teaches that Q.931 and H.245 signaling for the call, as well as RTP streams, all pass through the first and second proxies. However, *Salama* fails to teach or suggest the applying step recited in amended independent method claim 1 and, thus, fails to cure the deficiency of *Shaffer*. Rather, *Salama* describes methods for call setup using gatekeepers and proxies. Consequently, independent method claim 1 is patentable over the combination of *Shaffer* and *Salama* and therefore, reconsideration and withdrawal of the rejections under 35 U.S.C. §103 are in order, and a notice to that effect is earnestly solicited.
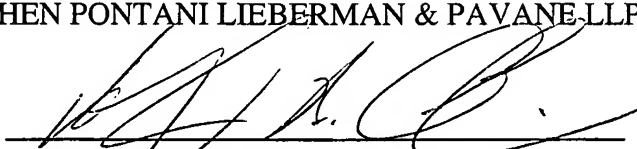
Independent claim 13 is directed to a network system and independent claim 25 is directed to a network element associated with the method of independent claim 1. Therefore, independent claims 13 and 25 are patentable over the combination of *Shaffer* and *Salama* for the reasons discussed above with respect to independent method claim 1.

In view of the patentability of independent claims 1, 13 and 25 for the reasons set forth above, dependent claims 2-12 and 14-24, as well as new dependent claim 26 are all patentable over the prior art.

Based on the foregoing amendments and remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

Respectfully submitted,
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